

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIESHIA MARIE JACKSON, et al.,
Plaintiffs,
v.
FASTENAL COMPANY,
Defendant.

No. 1:20-cv-00345-NONE-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Docs. 15, 19)

Mieshia Marie Jackson brings this action on behalf of herself and others similarly situated against Fastenal Company, alleging various wage and hour violations under California state law. (Doc. 1-1.) On October 22, 2021, plaintiff filed an unopposed motion for order granting preliminary approval of class action settlement. (Doc. 15.)

On December 3, 2021, the assigned magistrate judge issued findings and recommendations that the class action settlement be preliminarily approved. (Doc. 19.) The parties were granted 14 days during which to file objections to the findings and recommendation. (*Id.*) The deadline to file objections has passed and no objections to the findings and recommendations were filed.

On January 19, 2022, the Court ordered additional briefing on a limited range of issues related to the objection procedures and deadlines, and to language contained within the settlement agreement that appeared to limit the range of advice counsel could provide putative class members. (Doc. 21.) On February 10, 2022, the parties submitted a stipulation addressing the

1 Court's concerns by amending the settlement agreement to modify the objection procedure and
2 objection deadline, and to remove the settlement language of concern to the Court. (Doc. 23.)

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
4 *de novo* review of the case. In light of the stipulated amendments to the settlement agreement, the
5 Court finds that the findings and recommendations are supported by the record and proper
6 analysis. Thus, the Court **ORDERS**:

- 7 1. The findings and recommendations issued December 3, 2021 (Doc. 19) are
8 adopted.
- 9 2. Plaintiff's motion for preliminary approval of class action settlement (Doc. 11) is
10 granted as follows:
 - 11 a. The following class is preliminarily certified for settlement purposes only, and
12 deemed to meet all of the requirements for class certification:
 - 13 i. All hourly non-exempt individuals who are or were employed by Defendant
14 in California at any point from January 21, 2016 through July 16, 2021.
 - 15 b. The settlement is preliminarily approved, based on the finding that the settlement
16 agreement, as amended, complies with the requirements of Federal Rules of Civil
17 Procedure 23(a) and 23(b)(3);
 - 18 c. The proposed class notice and share form to be disseminated to class members, in
19 substantially the form attached to the amended settlement agreement, is approved;
 - 20 d. The procedure for class members to participate in, opt out of, and object to the
21 amended settlement is approved as set forth in the amended settlement agreement;
 - 22 e. The class notice and share form shall be mailed by first class U.S. Mail to the class
23 members in accordance with the implementation schedule as set forth at Doc. 15-8
24 at 3–4 and incorporated by reference herein;
 - 25 f. Mieshia Marie Jackson is appointed as class representative;
 - 26 g. Craig J. Ackerman of Ackerman & Tilajef, P.C. and Jonathan Melmed of Melmed
27 Law Group P.C. are appointed as class counsel;
 - 28 h. CPT Group, Inc. is appointed as the settlement administrator to administer the

1 settlement pursuant to the terms of the amended settlement agreement;

2 i. The Court shall set a final approval and fairness hearing and schedule based upon
3 the implementation schedule set forth in the motion for preliminary approval (Doc.
4 15-8 at 3-4) by separate order; and

5 j. Class counsel is directed to communicate to the Court preferred dates for the final
6 approval and fairness hearing by emailing them to Courtroom Deputy Irma Munoz
7 at imunoz@caed.uscourts.gov.

8
9 IT IS SO ORDERED.

10 Dated: **February 16, 2022**


UNITED STATES DISTRICT JUDGE